

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GEORGE W KYNISTON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. 11-cv-06072 JRC

ORDER GRANTING  
DEFENDANT'S STIPULATED  
MOTION FOR REMAND

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 7; Consent to Proceed Before a United States Magistrate Judge, ECF No. 8.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Commissioner for further consideration. (ECF No. 21.)

After reviewing defendant's stipulated motion and the relevant record, the Court grants defendant's motion, and reverses and remands this matter pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner.

1 Following remand to the Commissioner of Social Security, the Appeals Council will  
2 remand this case to an Administrative Law Judge (“ALJ”) to hold a new hearing, issue a new  
3 decision, and:

- 4 1) Ensure the adjudicated period in the hearing decision reflects the claimant’s updated  
5 date last insured of June 30, 2013;
- 6 2) Give the claimant an opportunity to submit updated evidence in light of the updated  
7 date last insured;
- 8 3) If warranted by the expanded record, consider obtaining medical expert testimony  
9 from a neurologist or other physician;
- 10 4) Reconsider whether or not the claimant meets or medically equals a listing;
- 11 5) If warranted, reconsider the claimant’s residual functional capacity, and in so doing,  
12 further evaluate the opinion evidence from David R. Rullman, M.D., and Oisin  
13 O’Neill, M.D.;
- 14 6) Reassess the lay witness testimony of Cheryl Kyniston in accordance with Social  
15 Security Ruling 06-03p;
- 16 7) Reconsider the claimant’s subjective complaints; and
- 17 8) If warranted, seek supplemental vocational expert testimony to determine whether or  
18 not there are a significant number of jobs in the national economy that the claimant  
19 can perform.

20 The parties stipulate that this case be reversed and remanded to the ALJ on the above  
21 grounds pursuant to sentence four of 42 U.S.C. § 405(g). The parties agree that reasonable  
22 attorney fees and costs will be awarded pursuant to the Equal Access to Justice Act, 28 U.S.C. §  
23 2412(d), following proper request to the Court.

